

From: David Stokes
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

I am writing to speak out AGAINST the proposed Microsoft settlement.

I am a professional computer system administrator so I am familiar with computers and the computer industry. I see the adverse effects of Microsoft's monopoly practices on the industry.

I have read the proposed settlement and I am convinced it does not serve the interests of the American public, is harmful to the American economy, and does not promote justice given the facts of the trial.

Another high-tech industry - computer processor chip manufacturing - currently enjoys heated competition between rival companies competing on equal footing. As a result consumers have enjoyed rapid innovation and lower prices. This competition, and the benefits for consumers, does not exist in the computer operating system market. As a result consumers wait longer for innovation and pay higher prices.

The D.C. Circuit ruled that a remedy must "unfetter [the] market from anticompetitive conduct" and . . . "terminate the illegal monopoly," but the DOJ deal does nothing to restore competition with Windows. Nor does the settlement contain provisions directed towards new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its monopoly.

Companies that attempt to offer competing products are not given a chance to fairly compete. The failure of these companies results in lost jobs, lost revenue, and lost activity in the U.S. economy. Fair competition is the essence of the free enterprise system. Economic history has shown time and again that the absence of fair competition is bad for the economy as a whole.

As a point of justice, a criminal should not be allowed to keep his ill-gotten gain. The appeals court has verified that Microsoft's activities are illegal. There is nothing in the proposed settlement that addresses the issue of these ill-gotten gains, or how these will be reimbursed to the public from whose pockets they came. This simple omission easily amounts to billions of dollars, and by itself makes the settlement a sellout of the public interest, even without an assessment of its other shortcomings.

A better remedy is needed. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications with the express goal of allowing competitors to build Windows software

applications, and operating systems, that compete with Microsoft on a level field.

The outcome of this case will have a huge effect on the American economy for years to come. The proposed settlement will allow Microsoft to continue with most of their illegal practices, harming consumers and the national economy along the way. A stronger remedy will allow competition, and give consumers free choice and better prices. Therefore, a stronger remedy than the proposed settlement is needed.

Thank you for the chance to comment.

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